IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15465 of 2006
Date of decision: 6-3-2007

Kamlesh Aggarwal ...Petitioner

Versus

The New India Assurance Company Limited & another ...Respondents

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE S.S.SARON

Present: Mr. Neeraj Khanna, Advocate,
for the petitioner

Mr. Ashwani Talwar, Advocate,
for the respondents.

K.S.GAREWAL, J.

Kamlesh Aggarwal has filed this petition for quashing of order dated June 12, 2003 whereunder some recovery was directed to be effected from her salary on account of correction of mistake detected during wage revision in January 2003. Petitioner has also sought a direction to restore her pay and fix her salary in accordance with the Wage Revision Scheme 2000.

The petitioner has pleaded that she was promoted as Assistant Administrative Officer (A.A.O.) on September 29, 1997. Her pay scale was fixed in the pay scale of the promoted cadre. The impugned order Annexure P-1 was issued on June 12, 2003 and the petitioner came to know about this development when she saw her pay slip in respect of the salary for the

month of June. The pay slip annexed as Annexure P-2, showed a negative balance of Rs.33,963/-.

The petitioner got no opportunity to contest the refixation of pay. On petitioner's request the GIC Employees of the Union submitted a representation on June 30, 2003 and the National Federation of General Insurance Employees, Mumbai also made a representation but there was no response.

The petitioner later learnt that her pay had been refixed because she had not exercised the option which was given to her in the Wage Revision Scheme 2000. Petitioner contends that the said scheme was never circulated and she was never called upon to exercise any option. Notice was issued to the respondents and they appeared and filed their reply.

In a similar matter **Amrit Pal Singh and others Vs. The New India Assurance Company Limited and another** (C.W.P.No. 10130 of 2004) this court on February 11, 2005 held that the petitioners therein could not be prejudiced for no fault of theirs. Respondents were directed to refund the recovery made from the petitioners. Respondents were further directed to give the petitioners fresh opportunity to exercise their option in terms of circular dated September 21, 2001 and thereafter fix their pay as per options in accordance with the rules. The petitioners who got the benefit under the said judgment were Amrit Pal Singh (A.P.Singh) and Dinesh Mangla (D.Mangla) and some others.

If one peruses the contents of Annexure P-1 one would find that A.P.Singh and D.Mangla were some of the employees who were affected by the lowering of pay alongwith the present petitioner Kamlesh Aggarwal. Therefore, the judgment dated February 11, 2005 C.W.P. No.

10130 of 2004, copy of which has been annexed as Annexure P-8, is fully applicable to the petitioner's case.

This petition is allowed in the same terms.

(K.S.GAREWAL)
JUDGE

(S.S.SARON)
JUDGE

March 6, 2007
RSK